

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 164 OF 2023

Reliance General Insurance Co. Ltd.
570, Rectifier House, Naigaon,
Cross Road Next to Royal Industrial
Estate, Wadala (W), Mumbai
Police No. 1704442311000078.

....Appellant

V/s.

1. Umakant Ramchandra Kadrekar
Age:- 60 years, father of deceased
2. Akansha Umakant Kadrekar
Age:- 55 years, mother of deceased
R/At- A-103. Vidya Sankalp Co-op.
Hsg. Society, Gen. A. K. Marg,
Goregaon (E), Mumbai.
3. Balasaheb Murlidhar Avhad
R/At Dodi Budruk, Tal. Sinnar,
Nashik – 422001.
(Owner of Mahindra Car Bearing No.
MH. 15 EB 5643.)

4. Daksha Abhishekh Kadrekar
Age:- 25 years Wife of deceased
Add: same as Respondent Nos.1 &2.
5. Ishita Abhishekh Kadrekar
Age:- 3 months, daughter of deceased.
Add: same as Respondent Nos.1 &2.

....Respondents
(Respondent
Nos. 1 and 2
are Org.
Applicants)
Respondent
No.3 is Org.
Opp. Party)

Ms. Shalini Shankar, for the Appellant.
Mrs. Varsha Chavan, for Respondent Nos.1 & 2.

CORAM : SHIVKUMAR DIGE, J.

DATE : 16th FEBRUARY, 2024

JUDGMENT:-

1. The issues involved in this Appeal are income of the deceased considered on higher side.

2. It is contention of learned counsel for the Appellant-Insurance Company that the Tribunal has considered monthly income of deceased of Rs.15,214/- without any evidence on record, which is on higher side. Hence, requested to allow the Appeal.

3. It is contention of learned counsel for the Respondent-Claimants that the deceased was working as Shoffer with Orix Auto Infrastructure Service Ltd and he was getting salary at Rs.15,214/- which is proper. Learned counsel further submitted that while passing the judgment and order the Tribunal has considered all the aspects. On that basis, judgment and order is passed. Hence, no

interference is required in it.

4. I have heard learned counsel. Perused judgment and order passed by the Motor Accident Claims Tribunal, Mumbai [“The Tribunal” for short].

5. To prove the income of deceased, Claimant No.1-PW-1, Umakant Kadrekar, father of deceased, has stated that deceased was working as Shoffer in Orix Auto Infrastructure Service Ltd and he was getting salary of Rs.16,647/-. In support of contention of PW-1, the Claimants examined PW-2 Shyam Sawant at Exhibit 29, Manager of Orix Auto Infrastructure Service Ltd. He has stated that the deceased was working as Shoffer in their company since 11th February, 2010 and his monthly salary was Rs.16,647/-. His salary slips are at Exhibit 30 colly. While dealing with the issue of income, after deducting provident fund and profession tax and ESI contribution the Tribunal has considered monthly income of deceased at Rs.15,214/-. I do not find any infirmity in it. The Tribunal has awarded interest of 5% on the compensation amount. In my view, it

is on lower side. Hence, I am considering @ 6% interest on the compensation amount.

6. In view of above, I pass following order:

ORDER

- i. The Appeal is dismissed.
- ii. The Claimants are entitled the compensation of amount @ 6% interest instead of 5%.
- iii. The Appellant-Insurance Company shall deposit the compensation amount @6% interest from the date off filing claim Petition till realization of the amount.
- iv. The Claimants are permitted to withdraw the amount along with accrued interest thereon.
- v. The statutory amount alongwith interest be transferred to the Tribunal. The parties are at liberty to withdraw it, as per rule.
- vi. All pending Civil and Interim Applications are disposed of.

(SHIVKUMAR DIGE, J.)